

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:15-HC-2112-BO

CURTIS LEVON JACKSON,)
Petitioner,)
v.)
STATE OF NORTH CAROLINA,)
Respondent.)

ORDER

Petitioner, a state pretrial detainee proceeding pro se, filed a petition pursuant to 28 U.S.C. § 2241 on May 29, 2015 [D.E. 1]. On April 11, 2016, Magistrate Judge Numbers issued a Memorandum and Recommendation (“M & R”) [D.E. 10], in which he recommended that the court deny petitioner’s motion for summary judgment [D.E. 9] and that the court dismiss without prejudice the instant petition [D.E. 1] due to petitioner’s failure to exhaust his state court remedies. Petitioner did not file objections to the M & R.

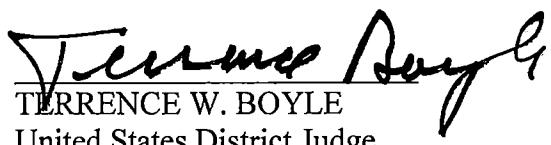
“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M & R, the record, and the petition. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court adopts the

conclusions in the M & R [D.E. 10].

Petitioner's motion for summary judgment [D.E. 9] is DENIED and the instant petition [D.E. 1] is DISMISSED without prejudice. A certificate of appealability DENIED, and the clerk shall close the case.

SO ORDERED. This 9th day of May 2016.



TERRENCE W. BOYLE
United States District Judge